

George Epps testified in affidavit in substance as follows: "I am the George W. Epps who swore on trial of the state of Georgia vs. Leo M. Frank.

"On April 26th, 1913, I lived with my father and mother at 246 Fox Street, city of Atlanta, and I knew Mary Phagan well. I had known Mary about a year before she died. I rode on the car with her on April 26th. We reached the corner of Marietta and Forsyth Streets about 12 o'clock. Mary got off the car at this place and went on down toward the National Pencil Company's place of business. As we were coming into town on the car, Mary talked to me, told me she was going down to the National Pencil Company to get her pay. She also told me that Mr. Frank had been trying to flirt with her and that she was afraid of him. The evidence I gave on the trial was the truth and nothing but the truth, and I here and now say again that what I swore on the trial is the truth. Soon after the case was ended a man came to me who said his name was Terry. I will describe that man as best I can. He was a short, skinny, low man and always wore a sour grin on his face. He told me when he first met me that he wanted me to take a message for him to Capitol Square and Washington Street. I took the message. It was to somebody by the name of Smith. I was never able to find this man Smith. I found a place where somebody by the name of Smith lived, but I never could find Smith. The next morning I reported back to Terry, or the man who called himself Terry, that I could not find his man Smith. Terry was in front of the Aragon Hotel and stopped me as I went along up the street and wanted me to take another message for him. This time the message was to Mr. Smith again, over at the same place. I took this message, which was a note, but I couldn't find his man again. I then reported back to Terry that I could not find Smith again. This time I reported to Terry at the same place, in front of the Aragon. When I reported back this last time, this man who called himself Terry asked me if I did not want to travel with him. He said he had a show company and wanted me to travel with him and that I could get \$10.00 a week and expenses, - that I would have a good time. He said he was going to take some girls along with them. He asked me would I go. I told him I would see about it.

He told me to report to him right across from the library that night. He didn't say anything more; said he would see me again that night. That night I reported where he said meet him, across from the library. He told me to stand in front of the House that Jack built. I had to wait for him. When he came, he came along. He said 'let's walk along,' and we walked down Cain Street, on out to 'est Harris Street and came back up to Peachtree Street. He said he wanted me to go with him - said I would have a good time, and get to go to New Orleans and would get out of this Frank case. He kept begging me to go. He offered me \$10.00 a week and expenses. I said 'Yes, I will go.' He said he would get me some nice clothes. He told me that night to meet him again the next night in front of the Carnegie Way Fire Engine House, between 7 and 8 o'clock. I met him that night, ready to go. I had to wait a long time. When he met me he said he couldn't get off but would have to wait a week - said he wasn't ready, couldn't get his show girls up. He told me to meet him again the next Saturday night in front of the Winecoff Hotel. I went there Saturday night and had to wait a long time. He stood on the corner and motioned for me to come in the dark. He said he was going to be ready to go Wednesday night and would have my clothes and everything ready. He told me to go ahead and work for Mr. Miller until he got ready for me. He told me to keep this secret; not to let my father and mother or anybody know that I was going off. I did this, and didn't tell my mother and father. I saw him Sunday, coming down Forsyth Street, Kelly (C.W.Burke) and Terry were together, and they stopped at the corner of Walton and Forsyth Sts., at the corner of the Post Office building and Kelly left as I came up. Wednesday night I met him at the corner of Carnegie Way and North Forsyth Street. He gave me some of his old clothes and gave me one dollar in money and told me to go ahead and get a bath and to get ready, that we were going off that night at 11 o'clock and for me to meet him at the corner of Forsyth and Hunter Sts. I went ahead and got my bath down town and hung around and got some supper. At about 10:30 I went to the corner of Forsyth and Hunter and met him there and he already had my ticket; said we were not going to New Orleans but were going to Birmingham. He had said before that we were going to New Orleans. He said to go on over to the Terminal Station - that he had some girls to get. I went over to the

Terminal Station and when I got there I met a man that had on glasses, who looked like a fellow I saw in Birmingham that passed off as Kelly. This fellow pretended he could not see good and asked me to help him down the steps. When Kelly and I got on the train, Terry was already on the train and pretended to get mad because I helped this man down the steps. Terry got off the train and told me to stay in there – that he would catch the train before it left; that he had some business to attend to. I went on in the train and sat down. Just as the train was pulling out of the Terminal Station, I saw this man Terry hop on to the train, but he did not talk to me until we got nearly to Birmingham. I do not know what became of the man who pretended to be blind and who looked like the Kelly I afterwards saw in Birmingham. I didn't see him after we got on the train. Terry, then, when we got nearly to Birmingham, came in and began to talk to me. He said he was going to stay a week in Birmingham with the show. He did not stay with me long; said he was going back to stay with the show girls. I never saw any show girls.

“When he got off at Birmingham I was with Terry. When I got about two blocks from the station, that man that pretended to be blind, came up and grabbed me; but he had pulled off his glasses. I do not say positively that he was the same man I helped down the steps but I think so because it looked exactly like him. The glasses made the difference. Terry asked the man that grabbed me what his name was and why he was grabbing me, and the man – who afterwards passed off as detective Kelly – said to Terry that I had stolen \$10.00 from the Miller Minute Messenger Service. Kelly said he was going to take me to jail. Terry told him not to take me to jail; take me to the hotel, and said he would pay my expenses at the hotel.

“Kelly took me to the Birmingham Hotel and Terry was with me. After they got me up to the Birmingham Hotel in Birmingham, Ala.

Terry then wanted to pay my fine and told Kelly he would pay it if he would let me go. Kelly then said he would call up the chief of detectives and ask if it would be all right to take the money. He called him up, or pretended to call up, and Kelly then said – after he had pretended to talk over the phone – that the detective chief said that wasn't the only case that they had against me; that they had me also for perjury in the Phagan case. Kelly said the chief of detectives said to keep me there until he came. Then both Kelly and Terry commended talking to me while they pretended to wait for the chief of detectives. “After awhile somebody came in that they said was the chief of detectives. He didn't have any uniform. The best description I can give of this man who pretended to be the chief of detectives is as follows: He was a tall man, about like Mr. Pat Campbell, whose beard came down to a sharp point and whose moustache was clipped off short. All three of them then began to talk to me about the Frank case and what I had sworn on the Frank case. All three of them told me I had sworn a lie and had to come up and tell the truth or go to jail. I said I had told the truth about it. He said No, I had not told the truth and if I did not tell the truth about it, I would go to jail. I said ‘I told the truth and that is all I know.’ He said ‘You know you never came to town with Mary Phagan on the car.’ He said ‘You know that Black put you up to this, and we are going to make it hot for him.’ He rung a bell down stairs and they brought writing paper and a pencil and the chief of detectives commenced writing, and wrote three pages and then read them over to me. He commended talking to me and told me I was going to have to say this and if I didn't stick to it, I would have to come back to Birmingham and serve a sentence there. About this time he said he had to go home and get his breakfast; that he would see me after breakfast and bring a stenographer.

“This was in November, 1913. I got to Birmingham about 3 o'clock in the morning and they kept talking to me and did not let me go to sleep all night. Terry then took me out to get something to eat and told me to go ahead and stick to this story; he was going to take me to New Orleans and they could not bother me after I got out of Birmingham. He took me on down and got me something to eat and brought me back up to the Birmingham hotel. This time the chief of detectives brought a man, a stenographer, with him. I didn't say anything, but the chief told me to listen; that I was going to have to say that. He said he was going to have it copied on the typewriter and he would bring it back to me at

four o'clock and take me to a lawyer to be sworn in on it. Mr. Terry taken me down stairs and gave me \$2.00 and told me to buy a clean shirt and take the rest of it and go to the shows. About 3:30 I came out of the Benita Theater in Birmingham, and went up to my room. I was sitting in the window looking into the street, when I saw the chief of detectives and Mr. Kelly coming. They made a motion for me to come down stairs. They asked me where was Terry and I told them I didn't know. Then they took me over to a building I don't know the name of and they took me by the jail and said I was going to be sworn in and for me to say that was the truth – that is: what they had written on that paper. They took me to the office and started reading it to me, and when it was done they made me hold up my right hand and swear to it, and when they got done Mr. Kelly took me back to the Birmingham Hotel and there we met the chief of detectives, and Mr. Terry was with him. Mr. Terry got me and we went walking around. That night he sent me on to the hotel and told me to wait until he come; that he wanted to see the show girls. I went up to my room and went to sleep. I don't know when Mr. Terry came in. The next morning he said he was going to move to the Empire hotel, and we went down stairs and turned in the key and went over to the Hotel Empire. He told me to go on up in the room and that he would see me later, and he give me some money. About 8:30 Mr. Terry came back and took us into the cafe which is in the Empire hotel and brought us some breakfast. Mr. Terry got two telegrams and he claimed they were from Atlanta and that the show had to come back to Atlanta before we could go to New Orleans, and that night I got ready and we left about 3 o'clock, and we got on the train and came back to Atlanta. We got to Atlanta about 7 o'clock in the morning, I think it was. Mr. Terry didn't ride with me all the way, but just before we got to Liberty Springs, he gave me a dollar and a half and told me to go to the Gate City hotel and stay there and don't let anybody see me; that he would come up there about 12 o'clock and get me. I waited a long time and Mr. Terry didn't come until one o'clock, and he told me to go on back home with Mama; that he was coming out to see my folks. He gave me a dollar and a half in nickles and dimes and told me to go out to the football game; and I didn't see any more of Mr. Terry until one day just before I was arrested, and he told me that Mr. Kelly said I had not told the truth and they wanted me to come back and tell the truth about it. I said 'I have done told the truth, and I don't know anything about it, and there is some crooked work now; and he left me at the corner of Edgewood Avenue and Ivey Street and told me to go ahead and go back to work.

"The reason I signed the affidavit for them in Birmingham was because they threatened me and I was scared and wanted to get back home. They said if I didn't sign it I would have to go to the Birmingham Reformatory, and that if I did sign it I would have to stick to it; that if I came to Atlanta and changed it, they would take me back to Birmingham, and that Birmingham would fix me.

"About three weeks after I came back to Atlanta from Birmingham, Judge Tindall sent me to Reformatory at Milledgeville on a complaint in the Children's court. Judge Tindall said he would be willing to place me on probation, but remembering the threats made to me in Birmingham by the 'Chief of Detectives' and 'Mr. Terry' and 'Mr. Kelly' – to take me back to Birmingham if I did not stick to the statement they made me sign, I asked Judge Tindall to send me to the Reformatory; I was afraid if I was placed on probation that when I repudiated the Birmingham affidavit and told how it happened, that they would take me to Birmingham and put me in jail for signing the statement over there.

"While I was in the Reformatory at Milledgeville, G., Mr. Stiles Hopkins came over there to see me; he told Capt. Lovvorn he wanted to see me; that they had an affidavit which I had made in Birmingham and they wanted me to sign it. They said they just wanted to change it from Birmingham, Ala. to Atlanta, Ga. Mr. Hopkins told me to take one copy of the affidavit I made in Birmingham and he would read over the one he had copied and see if it was the same one I signed in Birmingham; and I told him Yes, that was the same one, and then he had me to sign it – the typewritten one that he had brought with him, and after that a lawyer swore me to it, but I don't know his name. He asked me if it was the truth and I told him Yes, it was true that it was the same one I made in Birmingham; and I signed it, and Mr. Hopkins and the man who claimed he was a lawyer, left.

"I was brought to Atlanta from the Reformatory at Milledgeville, Friday morning, May 1st, 1914. Since coming here I have seen a man who was pointed out to me as C.W.Burke. I have seen him twice since I came from the Reformatory. On both occasions I had ample opportunity to see him well and to watch him; and I am now prepared to say, and do say under oath that he is the man who was with me in Birmingham, passing under the name of Kelly; that is the name the man known as Terry called him; and it was what I called him, as he was introduced to me as being Mr. Kelly, and it was the name which he recognized and responded to. Mr. N.A.Garner was with me when I saw and identified Mr. Kelly as he was coming out of the National Pencil Company's factory on Friday, May 1st, 1914. The man who I pointed out to Mr. Garner as Mr. Kelly, got in an automobile – a Ford touring car – and Mr. Garner told me that the name by which he was known in Atlanta was C. W. Burke.

"When they had me up in the room in Birmingham all three of these men got me over in the corner right at the window and pulled down the shades. They cursed John Black, city detective of Atlanta; they talked to me entirely about the evidence that I had given on the Frank case and insisted that I should change it and would not let me hardly say anything to them. They talked low, but I was afraid; I am now just 15 years old.

"I have read over the above affidavit and it is all true, and I have placed my name on each and every page thereof after having read it."

Another affidavit of George W. Epps, in which he testifies in substance as follow:

"I met Jimmie Wrenn for the first time at the corner of Auburn Avenue and Peachtree Street, and not a Miller's Messenger Service, but four blocks away, or about that.

"Wrenn did not discuss the Frank case with witness casually or otherwise in Atlanta but decoyed witness out of the city and out of the state to discuss it with him.

"Witness did not state to Jimmie Wrenn (as C.W.Burke swears Jimmie Wrenn reported to him) that the testimony witness had given at the trial of the Leo M. Frank case was in most part false; nor did witness tell Wrenn he had told some lies; nor that witness had been made to tell the lies by detective John Black. Witness did not tell Wrenn that he was going to take a hobo trip; that he was in bad with the Probation officer and the detectives and that witness was afraid of John Black. Witness did not promise to make any affidavit for Wrenn anywhere or say that he was afraid to make an affidavit in Atlanta.

"Each and every statement charged by Burke in his affidavit of May 5th, 1914 as having been made by deponent to Jimmie Wrenn in Atlanta, is absolutely and unqualifiedly false. And if Jimmie Wrenn made these statements to C. W. Burke as coming from witness, said Jimmie Wrenn was "stuffing: said Burke with falsehoods which hem the said Wrenn, manufactured. Witness's affidavit given to Hugh M. Dorsey, Solicitor and sworn to and subscribed before an officer on Monday, May 4th, 1914, is a true statement of witness's dealings with Jimmie Wrenn."